

DEPARTMENT OF LAND AND NATURAL RESOURCES

Adoption of Chapter 13-281
Hawaii Administrative Rules

October 31, 2002

SUMMARY

Chapter 13-281, Hawaii Administrative Rules,
entitled "Rules Governing Professional
Qualifications", is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 13

STATE HISTORIC PRESERVATION DIVISION RULES

CHAPTER 281

RULES GOVERNING PROFESSIONAL QUALIFICATIONS

§13-281-1	Purpose
§13-281-2	Definitions
§13-281-3	Archaeology
§13-281-4	Architecture
§13-281-5	Architectural history
§13-281-6	Ethnography
§13-281-7	History
§13-281-8	Physical Anthropology
§13-281-9	Advice available from state historic preservation division
§13-281-10	Penalty

§13-281-1 Purpose. The purpose of this chapter is to establish professional qualifications for archaeologists, architects, architectural historians, ethnographers, historians, and physical anthropologists who undertake projects which must be reviewed by the state historic preservation division. [Eff _____](Auth: HRS §6E-3) (Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42)

§13-281-2 Definitions. As used in this chapter unless the context requires otherwise:

"Historic preservation review process" means the process specified in chapters 13-275 and 13-284, used to comply with sections 6E-7, 6E-8 and 6E-42, HRS.

"Person" means any individual, firm, association, agency, organization, partnership, estate, trust, corporation, company, or governmental unit that is proposing a project.

"Principal investigator" means the individual directly responsible and accountable for assuring the quality of all aspects of an historic preservation project, and the accuracy and completeness of its written documentation.

"Project" means any activity directly undertaken by the state or its political subdivisions or supported in whole or in part through appropriations, contracts, grants, subsidies, loans, or other forms of funding assistance from the state or its political subdivisions or involving any lease, permit, license, certificate, land use change, or other entitlement for use issued by the state or its political subdivisions.

"State historic preservation division" or "SHPD" means the state historic preservation division within the state department of land and natural resources.

[Eff] (Auth: HRS §6E-3) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)

§13-281-3 Archaeology. An archaeologist serving as principal investigator for any archaeological project shall have the following professional qualifications:

- (1) A graduate degree from an accredited institution in archaeology, or anthropology, with a specialization in archaeology, or an equivalent field;
- (2) At least one year of cumulative archaeological experience in Hawaii or the Pacific;
- (3) At least four months of supervised archaeological field and analytic experience in Hawaii;
- (4) At least one year of archaeological research, administration, or management at a supervisory level with at least four months of field experience;
- (5) A demonstrated ability to carry research to completion, as shown by completed theses, publications, and manuscripts; and
- (6) A demonstrated knowledge of historic preservation laws, rules, and guidelines.

[Eff] (Auth: HRS §6E-3)
(Imp: HRS §§6E-3, 6E-7, 6E-8, 6E42)

§13-281-4 Architecture. An architect shall possess a Hawaii license to practice architecture. [Eff] (Auth: HRS §6E-3) (Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42)

§13-281-5 Architectural history. An architectural historian shall possess one or both of the following professional qualifications:

- (1) A graduate degree from an accredited institution in architectural history, art history, historic preservation, or a closely related field with coursework in American architectural history; or
 - (2) A bachelor's degree from an accredited institution in architectural history, art history, historic preservation, or a closely related field plus one of the following:
 - (A) At least two years of full-time research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
 - (B) Have made a substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.
- [Eff] (Auth: HRS §6E-3) (Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42)

§13-281-6 Ethnography. (a) An ethnographer shall possess one of the following professional qualifications:

- (1) A graduate degree from an accredited institution in anthropology, with a specialization in cultural or social anthropology, or in a closely related field; or
- (2) A bachelor's degree from an accredited institution in cultural or social anthropology, or in a closely related field, plus one of the following:

- (A) Two or more years of full-time experience in research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historic organization or agency, historic preservation consulting firm, or other professional institution; or
 - (B) Have made a substantial contribution through research and publication to the body of scholarly knowledge in cultural or social anthropology, ethnohistory, or related fields; or
 - (3) Four or more years of full-time experience conducting research on the culture and history of ethnic groups in the State of Hawaii under the tutelage of recognized cultural authorities.
- (b) In addition to meeting the qualifications of either (1), (2) or (3), the person shall meet three or more of the following requirements, including one of the first two:
- (1) Be conversant in the language of the applicable ethnic group addressed by the ethnographic study;
 - (2) Have a demonstrated familiarity with the traditions, customs, practices, and beliefs of the applicable ethnic group addressed by the ethnographic study;
 - (3) Have a demonstrated ability to conduct and document interviews for ethnographic or historical purposes and to summarize information gained from interviews;
 - (4) Contributed through teaching, presentations, research, or publication to the body of knowledge in cultural or social anthropology, ethnohistory, or related fields; or
 - (5) Have a working knowledge of the historic preservation review process.
- [Eff] (Auth: HRS §6E-3)
(Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42)

§13-281-7 History. A historian shall possess one or both of the following professional qualifications:

- (1) A graduate degree from an accredited institution in history or a closely related field.
- (2) A bachelor's degree from an accredited institution in history or a closely related field, plus at least one of the following:
 - (A) Two or more years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, historic preservation consulting firm, or other professional institution; or
 - (B) Substantial contribution through research and publication to the body of scholarly knowledge in the field of history. [Eff]
(Auth: HRS §6E-3) (Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42)

§13-281-8 Physical anthropology. A physical anthropologist shall possess the following professional qualifications:

- (1) A graduate degree from an accredited institution in anthropology or anatomy with a specialization in physical anthropology and human osteology or forensic anthropology; and
- (2) Demonstrated ability to carry research to completion, usually shown by completed theses, publications, and manuscripts.
[Eff] (Auth: HRS §6E-3)(Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42, 6E-43)

§13-281-9 Advice available from state historic preservation division. The state historic preservation division, upon request, shall advise agencies or persons whether an individual meets the minimal professional qualifications. The state historic preservation division shall maintain a list of archaeologists who are known by the SHPD to meet these minimal professional standards. Copies of this list shall be available upon request. [Eff] (Auth: HRS §6E-3) (Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-42)

§13-281-10 Penalty. Should any archaeological, historical, ethnographic, architectural, architectural historical, or physical anthropological (osteological) work be conducted as part of the historic preservation review process (chapters 13-275 and 13-284) or under an archaeological permit (chapter 13-282) with a principal investigator who fails to meet minimal professional standards, that work shall be automatically rejected, the SHPD's written concurrence for the relevant step in the historic preservation process shall be denied, and any archaeological permit shall be revoked or denied, and the penalties of chapters 13-275 and 13-282 and section 6E-11, HRS, shall be applied as appropriate. [Eff
] (Auth: HRS §6E-3) (Imp: HRS §§6E-3, 6E-7, 6E-8, 6E-11, 6E-42).

DEPARTMENT OF LAND AND NATURAL RESOURCES

Chapter 13-281, Hawaii Administrative Rules, on the Summary Page dated October 31, 2002, was adopted November 15, 2002, following public hearings held on the islands of Kauai on August 20, 2002, Hawaii on August 21 and 22, 2002, Maui on August 26, 2002, Molokai on August 27, 2002, Oahu on August 28, 2002, and Lanai on August 29, 2002, after public notice was given in the Honolulu Star Bulletin, Hawaii Tribune Herald, West Hawaii Today, Maui News, and the Garden Isle on July 21, 2002.

The adoption of chapter 13-281 shall take effect ten days after filing with the Office of the Lieutenant Governor.

Peter T. Young,
Chairperson
Board of Land and Natural
Resources

Approved:

Linda Lingle, Governor
State of Hawaii

Dated: _____

APPROVED AS TO FORM:

Deputy Attorney General

Filed